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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/158,308	09/22/1998	STEVEN CRAIG WEIRATHER	310048-401	3823

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EXAMINER

GRAY, LINDA L

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/158,308

Applicant(s)

WEIRATHER ET AL.

Examiner

Linda L. Gray

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005 & 5-26-05
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 143,182-194,196-200,213-283,292-379 and 389-399 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 143,182-194,196-200,213-283,292-346,359-379 and 389-399 is/are allowed.
- 6) ☒ Claim(s) 347,349,351-355 and 358 is/are rejected.
- 7) ☒ Claim(s) 348,350,356 and 357 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 1998 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 5-11-05 has been entered.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. **Claims 347, 349, and 353-355 are rejected under 35 U.S.C. 102(b) as being anticipated by White (US 4,128,954).**

Claim 347, White teaches a method of forming printable cards 13, 15, and 18 including cutting through a facestock sheet of a sheet construction which includes liner sheet 27 construction and facestock sheet 10 attached to sheet 27. The cutting includes not cutting through sheet 27. The cutting forms cut lines 11 and 12. White teaches sheeting the sheet construction at cutting mechanism 37 into a plurality of printable card sheets 38 where each sheet 39 includes cards 13, 15, and 18 defining a card matrix including a plurality of rows and columns (one row, three columns; or, three rows, one column) of on each sheet 38. Card 13 directly abuts card 15 in the adjacent row/column, separated only by lines 11 therebetween; card 15 directly abuts cards 13 and 18 in adjacent row/column, separated only by lines 11 and 12 therebetween; and card 15 directly abuts card 15 in adjacent row/column, separated only by line 12 (c 1, L 55, to c 2, L 41; c 2, L 51, to c 4, L 53)

Claim 349, sheet 17 includes a liner-sheet layer (silicone) on a liner sheet (paper, **claim 354**) (c 2, L 42-50). **Claim 353**, portions of the back side of sheet 10 form cards 13, 15, and 18. **Claim 355**, the drawings demonstrate that the sheet construction is a web.

Claim Rejections - 35 USC § 103

3. **Claims 351-352 and 358 are rejected under 35 U.S.C. 103(a) as being unpatentable over White.**

Claim 351, White does not teach that the silicone is applied to sheet 27 by extrusion.

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However, extrusion in a conventional method for providing silicone layers onto liner sheets, and it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in White that the silicone layer is applied to sheet 27 by extrusion because it is obvious replace one method of forming a silicone layer on a liner (that of White not specifically disclosed) with another art recognized alternative method of forming the same.

Claim 352, White does not teach how lines 11 and 12 are formed, i.e., die cutting.

However, die cutting is a conventional method for providing label perforations, and it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in White that lines 11 and 12 be formed by die cutting because it is obvious to replace one method of cutting (that of White not specifically disclosed) with another art recognized alternative method of during the same.

Claim 358, White teaches printing on cards 13, 15, and 18 before winding into roll 30. Printing is on the front surface. Cards 13, 15, and 18 remain together after mechanism 37 and are separated from sheet 27; however, card 13, 15, and 18 are capable of being separated from each other via lines 11 and 12 if so desired.

Claim 358, White does not teach printing after forming lines 11 and 12 where that sheet 27 would be considered to hold cards 13, 15, and 18 during printing.

However, it is conventional in the art to print after cutting to ensure proper indication, and for this reason it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have printed after cutting where White is silent as to when printing occurs.

Response

4. Applicant's comments of 5-11-05 have been fully considered. The allowability of claims 347, 349, 353-355, 351-352, and 358 has been withdrawn in view of the reference to White.

Allowable Subject Matter

5. Claims 143, 182-194, 196-200, 213-283, 292-346, 359-379, and 389-399 are allowed.

Claims 348, 350, and 356-357 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. The following is a statement of reasons for the indication of allowable subject matter:

claim 348, White does not teach cards 13, 15, and 18 to each include a single-piece printable business card;

claim 350, White does not teach cutting through the silicone in that the silicone layer stays with sheet 27 when sheet 27 is separated from the layers thereabove, and

claim 356, White does not teach cutting lines 11 and 12 after the sheet construction is unwound off roll 30 in that the sheet construction already includes lines 11 and 12 when such is unwound.

The reasons for allowance of the other allowed claims are found in the prior Office action.

7. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla, can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

llg
August 8, 2005

Linda D. Gray
LINDA GRAY
PRIMARY EXAMINER